

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PROPOSED
amendment of ARM 4.10.401 relating to)	AMENDMENT
farm applicator licensing schedule)	
)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

1. On November 22, 2008, the Montana Department of Agriculture proposes to amend the above-stated rule.

2. The Department of Agriculture will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Agriculture no later than 5:00 p.m. on November 6, 2008, to advise us of the nature of the accommodation that you need. Please contact Cort Jensen at the Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; phone: (406) 444-3144; fax: (406) 444-5409; or e-mail: agr@mt.gov.

3. The rule as proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

4.10.401 FARM APPLICATOR CERTIFICATION (1) through (3) remain the same.

(4) Certified farm applicators shall requalify for certification to use restricted use pesticides prior to issuance of a certificate. Requalification may be achieved by passing an examination or by attending six hours of training approved by the department. Each farm applicator qualification period shall conform to the established staggered system set forth in this rule. The qualification period of each district ends December 31 of the year indicated and every five years thereafter. A listing of counties within each district follows:

DISTRICT I ~~2008~~ 2013

Flathead
Lake
Lincoln
Mineral

Missoula
Ravalli
Sanders

DISTRICT II ~~2004~~ 2009

Beaverhead
Broadwater
Deer Lodge
Gallatin

Lewis and Clark
Madison
Meagher
Park

Granite
Jefferson

Powell
Silver Bow

DISTRICT III 2005 2010

Blaine
Cascade
Chouteau
Glacier
Hill

Liberty
Pondera
Teton
Toole

DISTRICT IV 2006 2011

Carter
Custer
Daniels
Dawson
Fallon
Garfield
McCone
Phillips
Powder River

Prairie
Richland
Roosevelt
Rosebud
Sheridan
Treasure
Valley
Wibaux

DISTRICT V 2007 2012

Big Horn
Carbon
Fergus
Golden Valley
Judith Basin
Musselshell

Petroleum
Stillwater
Sweet Grass
Wheatland
Yellowstone

AUTH: 80-8-105, MCA
IMP: 80-8-105, 80-8-209, MCA

Reason: Farm applicators are on a staggered system for licensing by district every five years. It is now time to update the years that each district is scheduled to renew their farm licenses.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Cort Jensen at the Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; fax: (406) 444-5409; or e-mail: agr@mt.gov. Any comments must be received no later than November 20, 2008.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Cort Jensen at the Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; fax: (406) 444-5409; or

e-mail: agr@mt.gov. A written request for hearing must be received no later than November 20, 2008.

6. If the department receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 700 persons based on farm applicators.

7. The Department of Agriculture maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person and specifies for which program the person wishes to receive notices. Such written request may be mailed or delivered to Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; fax: (406) 444-5409; or e-mail: agr@mt.gov or may be made by completing a request form at any rules hearing held by the Department of Agriculture.

8. An electronic copy of this Notice of Proposed Amendment is available through the department's web site at www.agr.mt.gov, under the Administrative Rules section. The department strives to make the electronic copy of the Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

DEPARTMENT OF AGRICULTURE

/s/ Ron de Yong
Ron de Yong, Director

/s/ Cort Jensen
Cort Jensen, Rule Reviewer

Certified to the Secretary of State, October 14, 2008.